

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* STEPHEN W. COMISKEY and BARRETT O. COMISKEY

**MAILED**

**DEC 23 1997**

---

Appeal No. 95-3656  
Application 08/240,895<sup>1</sup>

---

PAT & TM OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

ON BRIEF

---

Before COHEN, ABRAMS and JOHN D. SMITH, *Administrative Patent Judges.*

ABRAMS, *Administrative Patent Judge.*

**FINAL ORDER**

This application has been returned to us for final decision following action by the examiner on the appellants' amendment filed August 12, 1996 (Paper No. 23). Based upon the examiner's communication mailed July 23, 1997 (Paper No. 24), the

---

<sup>1</sup> Application for patent filed May 11, 1994.

Appeal No. 95-3656  
Application 08/240,895

appellants' amendment overcomes the rejection entered by the Board of Patent Appeals and Interferences under 37 CFR § 1.196(b) and all of the rejections affirmed by the Board of Patent Appeals and Interferences in its decision of August 8, 1996 (Paper No. 21), except for the examiner's rejection of claims 17 through 19 under 35 U.S.C. § 112, second paragraph, based on the recitation "dimensioned to substantially cover the area."

In the light of the foregoing, we hereby enter an order making final our decision dated August 8, 1996, affirming the examiner's rejection of claims 17 through 19 under 35 U.S.C. § 112, second paragraph, on the basis of the above-quoted language, reference being made to the paragraph bridging pages 15 and 16 of our decision. We note for the record in doing so that we have considered the portion of the decision of the Federal Circuit in *York Products, Inc. V. Central Tractor* which was commended to our attention by the appellants in Paper No. 26.

The time for seeking judicial review of this decision in accordance with 35 U.S.C. § 141 or 37 CFR § 145 runs from the

Appeal No. 95-3656  
Application 08/240,895

mailing date of this order, and may not be extended under 37 CFR  
§ 1.136(b). See 37 CFR § 1.304(a).

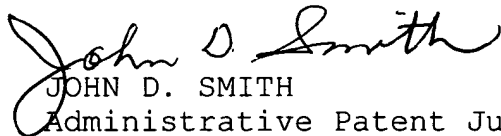
FINAL ORDER



IRWIN CHARLES COHEN )  
Administrative Patent Judge)



NEAL E. ABRAMS )  
Administrative Patent Judge)



JOHN D. SMITH )  
Administrative Patent Judge)

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

Appeal No. 95-3656  
Application 08/240,895

Nixon & Vanderhye  
1100 North Glebe Road  
8th Floor  
Arlington, VA 22201-4714